IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 7295 of 2000

Between:

1. Dr.R.S.R.K.Vara Prasada Rao S/o.R.Venkaiah,
   R/o.Rangoon Meda, R.R.Peta,
   Eluru, West Godavari District.

2. Dr.R.Nagaraju, S/o.Venkaiah,
   R/o.Rangoon Meda, R.R.Peta,
   Eluru, West Godavari District.

3. R.Jaya Prakash Narayana, S/o.R.Venkaiah,
   R/o.Rangoon Meda, R.R.Peta,
   Eluru, West Godavari District.

..... PETITIONERS

AND

1. State of A.P. through its Secretary,
   Revenue Department at Secretariat, Hyderabad.

2. The District Collector,
   Krishna District.

3. The Revenue Divisional Officer,
   Nuziveedu, Krishna District.

4. The Mandal Revenue Officer,
   Bapulapadu Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction,

declaring the action of the Respondents in issuing possession Certificates in Proc.Rc.A/471/99 dt:8.7.99 in respect of lands bearing R.S.No.323/4, 323/3 and 323/2B situated at Ampapuram village, Bapulapadu Mandal, Krishna District, as illegal, arbitrary and unconstitutional by directing the Respondents to forthwith take steps for issuance of notification u/s.4(1) of Land Acquisition Act in respect of the above lands and pass Award for payment of compensation to the petitioners with all statutory benefits, by notifying the said lands to the extents covered bgy the Certificates, in Sy.No.323/4, 323/3 and 323/2B situatedat Anpapuram Village, Bapulapadu Mandal, Krishna District; award costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

O R D E R :

1. This Writ Petition has been filed by the petitioners with a prayer to issue a Writ of Mandamus declaring the action of the respondents in issuing Possession Certificates in Proc.Rc.A/471/99, dated 8.7.99 in respect of lands bearing R.S.No.323/4, 323/3 and 323/2B situated at Ampapuram village, bapulapadu Mandal, Krishna District as illegal, arbitrary and unconstitutional.

2. The 2nd petitioner has given his sworn affidavit in support of the writ petition. It is averred in the affidavit that the petitioners are owners and possessors of lands in R.S.No.323/4, 323/3 and 323/2B situated at Ampapuram village, bapulapadu Mandal, Krishna District. It is further averred in the writ petition that the Mandal Revenue Officer, Bapulapadu Mandal, Krishna District has issued possession certificates without any verification and that the Mandal Revenue Officer is not empowered to issue such certificates.

3. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue for respondents 1 to 4.

4. Learned counsel appearing for the petitioners submits that the Mandal Revenue

Officer-4th respondent herein is not empowered to issue possession certificate in respect of patta land and therefore the possession certificate issued by the 4th respondent is to be declared as null and void.

5. As seen from the records, possession certificates came to be issued by 4th respondent-MRO wherein it is stated that the persons indicated therein are in occupation of 40 to 77 square yards for the last 12 years. If the petitioners are aggrieved by the possession certificates issued by the 4th respondent-MRO, they are always at liberty to make an application before the same authority for cancellation of the possession certificate. In the event of petitioners filing the petition before the Mandal Revenue Officer, Bapulapadu Mandal, Krishna District- 4th respondent herein or before the Joint Collector concerned for cancellation of the possession certificate, the same shall be disposed of in accordance with law within a period of two months from the date of filing the petition by the petitioners.

6. Accordingly, this writ petition is disposed of. No costs.

Dated: 29th June, 2005. (B.Seshasayana Reddy, J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary,
   Revenue Department, Government of A.P., Secretariat, Hyderabad.

2. The District Collector,
   Krishna District.

3. The Revenue Divisional Officer,
   Nuziveedu, Krishna District.

4. The Mandal Revenue Officer,
   Bapulapadu Mandal, Krishna District.

5. The Joint Collector, Krishna District.

6. TWO COPIES TO GOVERNMENT PLEADER FOR REVENUE, High Court Buildings, High Court of A.P., Hyderabad (OUT)

7. **2 CD copies**